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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,615	05/31/2001	Yugo Kashiwagi	500.40174X00	7060

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EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/867,615

Applicant(s)

KASHIWAGI, YUGO

Examiner

Anil Khatri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "System Developing Method and Apparatus for Converting and Debugging Source Program".

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by *Dunn et al* USPN 6,314,560.

Regarding claims 1, 9, 30, 35 and 41

*Dunn et al teaches,*

- converting a first description in a source program having a plurality of descriptions, to a first code which can be executed by a first computer (see abstract, line 1, converting code...");
- converting first description to a second code which represents a function different from a function defined by first description and which can be executed by a second computer, and converting a second description in source program to a third code which can be executed by second computer (see figures 4-6, column 5, lines 35-49, "that converts a user application... on the target platform"); and
- executing said first code first computer in response to execution of second code conducted by second computer in debugging of source program (column 5, lines 66, "the optimized target code 40 executes...").

Regarding claims 2, 5, 8, 16, 17, 29, 31 and 42

*Dunn et al teaches,*

- first computer takes in information from second computer before executing first code (see figures 4 and 7).

Regarding claims 3, 12-15, 22, 25-27, 37 and 39

*Dunn et al teaches,*

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- second code is a code representing an interrupt instruction (figure 5, column 3, lines 33-40, "the run time... the translator"); and
- address information of said second code is supplied to first computer by execution of second code (column 3, lines 21-27, "the recovery block... is detected").

Regarding claim 4

*Dunn et al teaches,*

- association data for associating address information of said second code with said first code is generated so that the first computer can refer there to (figures 5 and 6, column 6, lines 61-64, "by placing... of the exception").

Regarding claims 6-7

*Dunn et al teaches,*

- wherein debugging of source program is conducted using a debugger (column 3, lines 67, "fully debugging capability...").

Regarding claims 10-11

*Dunn et al teaches,*

- program is stored on one storage medium (column 4, lines 30-62).

Regarding claims 18-21, 23, 24, 28, 32-34, 36, 38 and 40

*Dunn et al teaches,*

- information processing apparatus receives from an information terminal apparatus including a central processing unit, address information of predetermined instruction code in a program executed in information terminal apparatus (figures 4-6, column 8, lines 55-63, "a target program .. for optimization");

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- takes internal information of information terminal apparatus based on said received address information (figure 4-5, column 6, lines 57-64 , "the pointer.... Of the exception"); and
- execute processing previously prescribed in association with received address information, using taken-in internal information (column 6, lines 9-14, "software exception... steps occurs").

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- USPN 5515519
- USPN 6175935
- USPN 5963741
- USPN 6286132
- USPN 6618853
- USPN 5450610

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ANIL KHATRI  
PRIMARY EXAMINER